

108TH CONGRESS
1ST SESSION

S. 149

To improve investigation and prosecution of sexual assault cases with DNA evidence and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2003

Mr. DEWINE (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve investigation and prosecution of sexual assault cases with DNA evidence and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rape Kits and DNA
5 Evidence Backlog Elimination Act of 2003”.

6 **SEC. 2. REAUTHORIZATION OF DNA ANALYSIS BACKLOG**
7 **ELIMINATION ACT OF 2000.**

8 Section 2(j) of the DNA Analysis Backlog Elimini-
9 nation Act of 2000 (42 U.S.C. 14135(j)) is amended—
10 (1) in paragraph (1)—

1 (A) in subparagraph (B), by striking
2 “and”;

3 (B) in subparagraph (C), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(D) \$25,000,000 for fiscal year 2004;

7 “(E) \$25,000,000 for fiscal year 2005;

8 “(F) \$25,000,000 for fiscal year 2006; and

9 “(G) \$25,000,000 for fiscal year 2007.”;

10 and

11 (2) in paragraph (2)—

12 (A) in subparagraph (C), by striking
13 “and”; and

14 (B) by striking subparagraph (D), and in-
15 serting the following:

16 “(D) \$75,000,000 for fiscal year 2004;

17 “(E) \$75,000,000 for fiscal year 2005;

18 “(F) \$25,000,000 for fiscal year 2006; and

19 “(G) \$25,000,000 for fiscal year 2007.”.

20 **SEC. 3. EXPANSION OF COMBINED DNA INDEX SYSTEM.**

21 (a) INCLUSION OF ALL DNA SAMPLES FROM
22 STATES.—Section 210304 of the DNA Identification Act
23 of 1994 (42 U.S.C. 14132) is amended—

1 (1) in subsection (a)(1), by striking “of persons
 2 convicted of crimes;” and inserting the following:
 3 “of—

4 “(A) persons convicted of crimes; and

5 “(B) other persons, as authorized under
 6 the laws of the jurisdiction that generates the
 7 records;”; and

8 (2) by striking subsection (d).

9 (b) FELONS CONVICTED OF FEDERAL CRIMES.—
 10 Section 3(d) of the DNA Analysis Backlog Elimination
 11 Act of 2000 (42 U.S.C. 14135a(d)) is amended to read
 12 as follows:

13 “(d) QUALIFYING FEDERAL OFFENSES.—The of-
 14 fenses that shall be treated for purposes of this section
 15 as qualifying Federal offenses are the following offenses,
 16 as determined by the Attorney General:

17 “(1) Any felony.

18 “(2) Any offense under chapter 109A of title
 19 18, United States Code.

20 “(3) Any crime of violence (as that term is de-
 21 fined in section 16 of title 18, United States Code).

22 “(4) Any attempt or conspiracy to commit any
 23 of the offenses under paragraphs (1) through (3).”.

24 (c) UNIFORM CODE OF MILITARY JUSTICE.—Section
 25 1565 of title 10, United States Code, is amended—

1 (1) by amending subsection (d) to read as fol-
 2 lows:

3 “(d) QUALIFYING MILITARY OFFENSES.—The of-
 4 fenses that shall be treated for purposes of this section
 5 as qualifying military offenses are the following offenses,
 6 as determined by the Secretary of Defense, in consultation
 7 with the Attorney General:

8 “(1) Any offense under the Uniform Code of
 9 Military Justice for which the authorized penalties
 10 include confinement for more than 1 year.

11 “(2) Any other offense under the Uniform Code
 12 of Military Justice that is comparable to a qualifying
 13 Federal offense (as determined under section 3(d) of
 14 the DNA Analysis Backlog Elimination Act of
 15 2000).”;

16 (2) by striking subsection (e); and

17 (3) by redesignating subsection (f) as sub-
 18 section (e).

19 (d) TECHNICAL AMENDMENTS.—Section 811(a)(2)
 20 of the Antiterrorism and Effective Death Penalty Act of
 21 1996 (28 U.S.C. 531 note) is amended—

22 (1) in subparagraph (A), by striking “[42
 23 U.S.C.A. 14132a(d)]” and inserting “(42 U.S.C.
 24 14135a(d))”; and

1 (2) in subparagraph (B), by striking “[42
2 U.S.C.A. § 14132b(d)]” and inserting “(42 U.S.C.
3 14135b(d))”.

4 **SEC. 4. FORENSIC LABORATORY GRANTS.**

5 (a) GRANTS AUTHORIZED.—The Attorney General is
6 authorized to award grants to not more than 15 State or
7 local forensic laboratories to implement innovative plans
8 to encourage law enforcement, judicial, and corrections
9 personnel to increase the submission of rape evidence kits
10 and other biological evidence from crime scenes.

11 (b) APPLICATION.—Not later than December 31,
12 2004, each laboratory desiring a grant under this section
13 shall submit an application containing a proposed plan to
14 encourage law enforcement officials in localities with a
15 DNA backlog to increase the submission of rape evidence
16 kits and other biological evidence from crime scenes.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$30,000,000 for each
19 of the fiscal years 2004 through 2006 to carry out the
20 provisions of this section.

21 **SEC. 5. ELIGIBILITY OF LOCAL GOVERNMENTS OR INDIAN**
22 **TRIBES TO APPLY FOR AND RECEIVE DNA**
23 **BACKLOG ELIMINATION GRANTS.**

24 Section 2 of the DNA Analysis Backlog Elimination
25 Act of 2000 (42 U.S.C. 14135) is amended—

1 (1) in subsection (a)—

2 (A) in the matter preceding paragraph

3 (1)—

4 (i) by inserting “, units of local gov-

5 ernment, or Indian tribes” after “eligible

6 States”; and

7 (ii) by inserting “, unit of local gov-

8 ernment, or Indian tribe” after “State”;

9 and

10 (B) in paragraph (3), by striking “or by

11 units of local government” and inserting “,

12 units of local government, or Indian tribes”;

13 (2) in subsection (b)—

14 (A) in the matter preceding paragraph (1),

15 by inserting “, unit of local government, or In-

16 dian tribe” after “State” each place that term

17 appears;

18 (B) in paragraph (1), by inserting “, unit

19 of local government, or Indian tribe” after

20 “State”;

21 (C) in paragraph (3), by inserting “, unit

22 of local government, or Indian tribe” after

23 “State” the first time that term appears;

1 (D) in paragraph (4), by inserting “, unit
2 of local government, or Indian tribe” after
3 “State”; and

4 (E) in paragraph (5), by inserting “, unit
5 of local government, or Indian tribe” after
6 “State”;

7 (3) in subsection (c), by inserting “, unit of
8 local government, or Indian tribe” after “State”;

9 (4) in subsection (d)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (A), by striking
12 “or a unit of local government” and insert-
13 ing “, a unit of local government, or an In-
14 dian tribe”; and

15 (ii) in subparagraph (B), by striking
16 “or a unit of local government” and insert-
17 ing “, a unit of local government, or an In-
18 dian tribe”; and

19 (B) in paragraph (2)(A), by inserting “,
20 units of local government, and Indian tribes,”
21 after “States”;

22 (5) in subsection (e)—

23 (A) in paragraph (1), by inserting “or local
24 government” after “State” each place that term
25 appears; and

1 (B) in paragraph (2), by inserting “, unit
 2 of local government, or Indian tribe” after
 3 “State”;

4 (6) in subsection (f), in the matter preceding
 5 paragraph (1), by inserting “, unit of local govern-
 6 ment, or Indian tribe” after “State”;

7 (7) in subsection (g)—

8 (A) in paragraph (1), by inserting “, unit
 9 of local government, or Indian tribe” after
 10 “State”; and

11 (B) in paragraph (2), by inserting “, units
 12 of local government, or Indian tribes” after
 13 “States”; and

14 (8) in subsection (h), by inserting “, unit of
 15 local government, or Indian tribe” after “State”
 16 each place that term appears.

17 **SEC. 6. SAFE PROGRAM.**

18 (a) ESTABLISHMENT OF GRANT PROGRAM.—The At-
 19 torney General shall establish a program to award and dis-
 20 burse annual grants to SAFE programs.

21 (b) COMPLIANCE WITH NATIONAL PROTOCOL.—To
 22 receive a grant under this section, a proposed or existing
 23 SAFE program shall be in compliance with the standards
 24 and recommended national protocol developed by the At-
 25 torney General pursuant to section 1405 of the Victims

1 of Trafficking and Violence Protection Act of 2000 (42
2 U.S.C. 3796gg note).

3 (c) APPLICATION.—

4 (1) IN GENERAL.—Each proposed or existing
5 SAFE program that desires a grant under this sec-
6 tion shall submit an application to the Attorney
7 General at such time, and in such manner, as the
8 Attorney General shall reasonably require.

9 (2) CONTENTS.—Each application submitted
10 pursuant to paragraph (1) shall include information
11 regarding—

12 (A) the size of the population or estimated
13 population to be served by the proposed or ex-
14 isting SAFE program; and

15 (B) if the SAFE program exists at the
16 time the applicant submits its application, the
17 effectiveness of that SAFE program.

18 (d) PRIORITY GIVEN TO PROGRAMS IN UNDER-
19 SERVED AREAS.—In awarding grants under this section,
20 the Attorney General shall give priority to proposed or ex-
21 isting SAFE programs that are serving, or will serve, pop-
22 ulations currently underserved by existing SAFE pro-
23 grams.

24 (e) NONEXCLUSIVITY.—Nothing in this Act shall be
25 construed to limit or restrict the ability of proposed or

1 existing SAFE programs to apply for and obtain Federal
 2 funding from any other agency or department, or under
 3 any other Federal grant program.

4 (f) AUDITS.—The Attorney General shall audit re-
 5 cipients of grants awarded and disbursed under this sec-
 6 tion to ensure—

7 (1) compliance with the standards and rec-
 8 ommended national protocol developed by the Attor-
 9 ney General pursuant to section 1405 of the Victims
 10 of Trafficking and Violence Protection Act of 2000
 11 (42 U.S.C. 3796gg note);

12 (2) compliance with other applicable Federal
 13 laws; and

14 (3) overall program effectiveness.

15 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated to the Department of
 17 Justice \$10,000,000 for each of fiscal years 2004 through
 18 2008 for grants under this section.

19 **SEC. 7. DNA EVIDENCE TRAINING GRANTS.**

20 (a) GRANTS AUTHORIZED.—The Attorney General is
 21 authorized to award grants to prosecutor’s offices, associa-
 22 tions, or organizations to train local prosecutors in the use
 23 of DNA evidence in a criminal investigation or a trial.

24 (b) APPLICATION.—Each eligible entity desiring a
 25 grant under this section shall submit an application to the

1 Attorney General at such time, in such manner, and ac-
 2 companied by such information as the Attorney General
 3 may reasonably require.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated \$5,000,000 for each of
 6 the fiscal years 2004 through 2006 to carry out the provi-
 7 sions of this section.

8 **SEC. 8. NO STATUTE OF LIMITATIONS FOR CHILD ABDUC-**
 9 **TION AND SEX CRIMES.**

10 (a) STATUTE OF LIMITATIONS.—

11 (1) IN GENERAL.—Chapter 213 of title 18,
 12 United States Code, is amended by adding at the
 13 end the following:

14 **“§ 3297. Child abduction and sex offenses**

15 “Notwithstanding any other provision of law, an in-
 16 dictment may be found or an information instituted at any
 17 time without limitation for any offense under section 1201
 18 involving a minor victim, and for any felony under chapter
 19 109A, 110, or 117, or section 1591.”.

20 (2) AMENDMENT TO CHAPTER ANALYSIS.—The table
 21 of sections at the beginning of such chapter is amended
 22 by adding at the end the following new item:

“3297. Child abduction and sex offenses.”.

23 (b) APPLICATION.—The amendments made by this
 24 section shall apply to the prosecution of any offense com-

mitted before, on, or after the date of the enactment of
this section.

SEC. 9. TOLLING OF LIMITATION PERIOD FOR PROSECUTION IN CASES INVOLVING DNA IDENTIFICATION.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, as amended by section 8, is further amended by adding at the end the following:

“§ 3298. Cases involving DNA evidence

“In a case in which DNA testing implicates a person in the commission of a felony, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the DNA testing that implicates the person has elapsed that is equal to the otherwise applicable limitation period.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

“3298. Cases involving DNA evidence.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of the enactment of this section.

1 **SEC. 10. LEGAL ASSISTANCE FOR VICTIMS OF VIOLENCE.**

2 Section 1201 of the Violence Against Women Act of
3 2000 (42 U.S.C. 3796gg-6) is amended—

4 (1) in subsection (a), by inserting “dating vio-
5 lence,” after “domestic violence,”;

6 (2) in subsection (b)—

7 (A) by inserting before paragraph (1) the
8 following:

9 “(1) DATING VIOLENCE.—The term ‘dating vio-
10 lence’ means violence committed by a person—

11 “(A) who is or has been in a social rela-
12 tionship of a romantic or intimate nature with
13 the victim; and

14 “(B) where the existence of such a rela-
15 tionship shall be determined based on a consid-
16 eration of—

17 “(i) the length of the relationship;

18 “(ii) the type of relationship; and

19 “(iii) the frequency of interaction be-
20 tween the persons involved in the relation-
21 ship.”;

22 (B) by redesignating paragraphs (1), (2),
23 and (3) as paragraphs (2), (3), and (4) respec-
24 tively; and

25 (C) in paragraph (3), as redesignated by
26 subparagraph (B) of this paragraph, by insert-

1 ing “dating violence,” after “domestic vio-
 2 lence,”;

3 (3) in subsection (c)—

4 (A) in paragraph (1), by inserting—

5 (i) “, dating violence,” after “between
 6 domestic violence”; and

7 (ii) “dating violence,” after “victims
 8 of domestic violence,”;

9 (B) in paragraph (2), by inserting “dating
 10 violence,” after “domestic violence,”; and

11 (C) in paragraph (3), by inserting “dating
 12 violence,” after “domestic violence,”;

13 (4) in subsection (d)—

14 (A) in paragraph (1), by inserting “, dat-
 15 ing violence,” after “domestic violence”;

16 (B) in paragraph (2), by inserting “, dat-
 17 ing violence,” after “domestic violence”;

18 (C) in paragraph (3), by inserting “, dat-
 19 ing violence,” after “domestic violence”; and

20 (D) in paragraph (4), by inserting “dating
 21 violence,” after “domestic violence,”;

22 (5) in subsection (e), by inserting “dating vio-
 23 lence,” after “domestic violence,”; and

24 (6) in subsection (f)(2)(A), by inserting “dating
 25 violence,” after “domestic violence,”.

1 **SEC. 11. SENSE OF CONGRESS.**

2 It is the sense of Congress that the Paul Coverdell
3 National Forensic Science Improvement Act (Public Law
4 106–561) should be funded in order to improve the qual-
5 ity, timeliness, and credibility of forensic science services
6 for criminal justice purposes.

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